

07/08/99
Jc662 U.S. PTO

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PTO/SB/05 (4/98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))</small>	Attorney Docket No.	41705.P0001
	First Inventor or Application Identifier	Gauthier, Raymond G.
	Title	Method and Apparatus for Controlling Brushless DC Motors
	Express Mail Label No.	EL 349960412 US

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents.</small>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> * Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small>	5. <input type="checkbox"/> Microfiche Computer Program (Appendix)
2. <input checked="" type="checkbox"/> Specification [Total Pages 23] <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none">- Descriptive title of the Invention- Cross References to Related Applications- Statement Regarding Fed sponsored R & D- Reference to Microfiche Appendix- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure	6. Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small> <ul style="list-style-type: none">a. <input type="checkbox"/> Computer Readable Copyb. <input type="checkbox"/> Paper Copy (identical to computer copy)c. <input type="checkbox"/> Statement verifying identity of above copies
3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 9]	ACCOMPANYING APPLICATION PARTS
4. Oath or Declaration [Total Pages 2] <ul style="list-style-type: none">a. <input checked="" type="checkbox"/> Newly executed (original or copy)b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) <small>(for continuation/divisional with Box 16 completed)</small><ul style="list-style-type: none">i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).	7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
	8. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement of Power of Attorney <small>(when there is an assignee)</small>
	9. <input type="checkbox"/> English Translation Document (if applicable)
	10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
	11. <input type="checkbox"/> Preliminary Amendment
	12. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small>
	13. <input checked="" type="checkbox"/> * Small Entity Statement filed in prior application, Status still proper and desired <small>(PTO/SB/09-12)</small>
	14. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small>
	15. <input type="checkbox"/> Other: _____

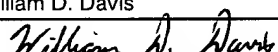
* NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

<input type="checkbox"/> Continuation	<input type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in-part (CIP)	of prior application No: _____
Prior application information: Examiner _____		Group / Art Unit: _____	

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label  (Insert Customer No. or attach bar code label here) or <input type="checkbox"/> Correspondence address below					
Name	William D. Davis 22503				
Address	Davis & Johnson, L.L.P. PATENT TRADEMARK OFFICE				
	P.O. Box 1093, 4503 W Hwy 290				
City	Dripping Springs	State	Texas	Zip Code	78620
Country	USA	Telephone	(512) 858-1218	Fax	(512) 858-1219

Name (Print/Type)	William D. Davis	Registration No. (Attorney/Agent)	38,428
Signature		Date	07/08/99

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
41705.P0001

Applicant, Patentee, or Identifier: Gauthier, et al.

Application or Patent No.: _____

Filed or Issued: _____

Title: Method and Apparatus for Controlling Brushless DC Motors in Implantable Medical Devices

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Kriton Medical, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 8350 Auburn Blvd., Suite 135, Citrus Heights, CA 95610

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Robert B. Fine

TITLE OF PERSON IF OTHER THAN OWNER President and CEO

ADDRESS OF PERSON SIGNING 8350 Auburn Blvd., Suite 135, Citrus Heights, CA 95610

SIGNATURE

Robert B. Fine

DATE

5/7/99

Express Mail No: EL 349960412 US

054955-070399

<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 1999</h3> <p style="font-size: small; margin: 0;">Patent fees are subject to annual revision. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.</p>		Complete if Known													
TOTAL AMOUNT OF PAYMENT (\$) 438		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;"></td> </tr> <tr> <td>Filing Date</td> <td>July 8, 1999</td> </tr> <tr> <td>First Named Inventor</td> <td>Gauthier, Raymond G.</td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Group / Art Unit</td> <td></td> </tr> <tr> <td>Attorney Docket No.</td> <td>41705.P0001</td> </tr> </table>		Application Number		Filing Date	July 8, 1999	First Named Inventor	Gauthier, Raymond G.	Examiner Name		Group / Art Unit		Attorney Docket No.	41705.P0001
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<h4 style="text-align: center; margin: 0;">METHOD OF PAYMENT (check one)</h4> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number </p> <p>Deposit Account Name </p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p> <h4 style="text-align: center; margin: 0;">FEE CALCULATION</h4> <div style="border: 1px solid black; padding: 5px;"> <h5 style="margin: 0;">1. BASIC FILING FEE</h5> <table style="width: 100%; font-size: small;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101 760</td> <td>201 380</td> <td>Utility filing fee</td> <td style="border: 1px solid black; text-align: center;">380</td> </tr> <tr> <td>106 310</td> <td>206 155</td> <td>Design filing fee</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>107 480</td> <td>207 240</td> <td>Plant filing fee</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>108 760</td> <td>208 380</td> <td>Reissue filing fee</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>114 150</td> <td>214 75</td> <td>Provisional filing fee</td> <td style="border: 1px solid black;"></td> </tr> </tbody> </table> <p style="text-align: right; margin-top: 5px;">SUBTOTAL (1) (\$) 380</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <h5 style="margin: 0;">2. EXTRA CLAIM FEES</h5> <table style="width: 100%; font-size: small;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>22</td> <td>-20** = 2</td> <td>9</td> <td style="border: 1px solid black; text-align: center;">18</td> </tr> <tr> <td>Independent Claims</td> <td>3 - 3** = 0</td> <td></td> <td style="border: 1px solid black; text-align: center;">0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td style="border: 1px solid black;"></td> </tr> </tbody> </table> <p style="font-size: x-small; margin-top: 5px;">**or number previously paid, if greater; For Reissues, see below</p> <table style="width: 100%; font-size: small;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>103 18</td> <td>203 9</td> <td>Claims in excess of 20</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>102 78</td> <td>202 39</td> <td>Independent claims in excess of 3</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>104 260</td> <td>204 130</td> <td>Multiple dependent claim, if not paid</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>109 78</td> <td>209 39</td> <td>** Reissue independent claims over original patent</td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>110 18</td> <td>210 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td style="border: 1px solid black;"></td> </tr> </tbody> </table> <p style="text-align: right; margin-top: 5px;">SUBTOTAL (2) (\$) 18</p> </div>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	101 760	201 380	Utility filing fee	380	106 310	206 155	Design filing fee		107 480	207 240	Plant filing fee		108 760	208 380	Reissue filing fee		114 150	214 75	Provisional filing fee		Total Claims	Extra Claims	Fee from below	Fee Paid	22	-20** = 2	9	18	Independent Claims	3 - 3** = 0		0	Multiple Dependent				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	103 18	203 9	Claims in excess of 20		102 78	202 39	Independent claims in excess of 3		104 260	204 130	Multiple dependent claim, if not paid		109 78	209 39	** Reissue independent claims over original patent		110 18	210 9	** Reissue claims in excess of 20 and over original patent		<h4 style="text-align: center; margin: 0;">FEE CALCULATION (continued)</h4> <h5 style="margin: 0;">3. 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text-align: center;">40</td></tr> <tr><td>146 760</td><td>246 380</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td style="border: 1px solid black;"></td></tr> <tr><td>149 760</td><td>249 380</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td style="border: 1px solid black;"></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td style="border: 1px solid black;"></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td style="border: 1px solid black;"></td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3) (\$) 40</td> <td></td> </tr> </tbody> </table> <p style="font-size: x-small; margin-top: 5px;">* Reduced by Basic Filing Fee Paid</p>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105 130	205 65	Surcharge - late filing fee or oath		127 50	227 25	Surcharge - late provisional filing fee or cover sheet.		139 130	139 130	Non-English specification		147 2,520	147 2,520	For filing a request for reexamination		112 920*	112 920*	Requesting publication of SIR prior to Examiner action		113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for reply within first month		116 380	216 190	Extension for reply within second month		117 870	217 435	Extension for reply within third month		118 1,360	218 680	Extension for reply within fourth month		128 1,850	228 925	Extension for reply within fifth month		119 300	219 150	Notice of Appeal		120 300	220 150	Filing a brief in support of an appeal		121 260	221 130	Request for oral hearing		138 1,510	138 1,510	Petition to institute a public use proceeding		140 110	240 55	Petition to revive - unavoidable		141 1,210	241 605	Petition to revive - unintentional		142 1,210	242 605	Utility issue fee (or reissue)		143 430	243 215	Design issue fee		144 580	244 290	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Petitions related to provisional applications		126 240	126 240	Submission of Information Disclosure Stmt		581 40	581 40	Recording each patent assignment per property (times number of properties)	40	146 760	246 380	Filing a submission after final rejection (37 CFR 1.129(a))		149 760	249 380	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____				Other fee (specify) _____				SUBTOTAL (3) (\$) 40			
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SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	William D. Davis	Reg. Number	38,428
Signature		Date	7/8/99
		Deposit Account User ID	

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